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15 *Attorneys for Plaintiffs*
Jysan Holding, LLC; and
16 Jusan Technologies Ltd.

17 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

18 JYSAN HOLDING, LLC, a Nevada Limited
19 Liability Company; JUSAN
TECHNOLOGIES LTD, an England and
20 Wales Limited Company;

Case No.: 2:23-CV-00247-JAD-VCF

MOTION TO REISSUE SUMMONSES

21 Plaintiffs,
22 v.
23 REPUBLIC OF KAZAKHSTAN, a foreign
sovereign state; THE AGENCY FOR
REGULATION AND DEVELOPMENT OF
THE FINANCIAL MARKET OF THE
24 REPUBLIC OF KAZAKHSTAN, a
Kazakhstan Government agency; THE ANTI-
CORRUPTION AGENCY OF THE
25 REPUBLIC OF KAZAKHSTAN, a
Kazakhstan Government anti-corruption
26 agency ; THE FINANCIAL MONITORING
agency OF THE REPUBLIC OF
27
28

1 KAZAKHSTAN, a Kazakhstan Government
 2 agency; THE COMMITTEE FOR
 3 NATIONAL SECURITY OF
 4 KAZAKHSTAN, a Kazakhstan Government
 5 intelligence agency; MADINA
 6 ABYLKASSYMOVA, an individual;
 7 OLZHAS KIZATOV, an individual; ARMAN
 OMARBEKOV, an individual; and
 ADILBEK DZHAKSYBEKOV, an
 individual,

Defendants.

8 Plaintiffs Jysan Holding, LLC (“Jysan Holding”) and Jusan Technologies Ltd. (“JTL”)
 9 (collectively, “Plaintiffs”), in accordance with Fed. R. Civ. P. 4(j)(1) and 28 U.S.C. § 1608,
 10 hereby move to reissue summonses as to Defendants Republic of Kazakhstan, the Agency for
 11 Regulation and Development of the Financial Market of the Republic of Kazakhstan, the Anti-
 12 Corruption Agency of the Republic of Kazakhstan, the Financial Monitoring Agency of the
 13 Republic of Kazakhstan, and the Committee for National Security of Kazakhstan (collectively,
 14 “Foreign State Defendants”). This Motion to Reissue Summons (“Motion”) is based on the
 15 attached Memorandum of Points and Authorities and the exhibits attached thereto.

16 DATED this 24th day of February 2023.

HOLLAND & HART LLP

18 /s/ *J. Stephen Peek*

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 20 Erica C. Medley
 21 9555 Hillwood Drive, 2nd Floor
 22 Las Vegas, NV 89134

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 1875 K Street, NW
 Washington, DC 20006

Attorneys for Plaintiffs

HOLLAND & HART LLP
 9555 HILLWOOD DRIVE, 2ND FLOOR
 LAS VEGAS, NV 89134

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiffs move to reissue summonses as to the Foreign State Defendants to comply with
4 the enlarged timeframe of 60 days, rather than 21 days, provided under 28 U.S.C. § 1608(d).
5 Plaintiffs previously submitted—and the Clerk of Court issued—standard summons forms as
6 to all Defendants. To cure any potential deficiencies with service, Plaintiffs respectfully request
7 that the Court direct the Clerk of Court to reissue the summonses as to the five Foreign State
8 Defendants.

9 **II. FACTS AND PROCEDURAL HISTORY**

10 On February 16, 2023, Plaintiffs filed their Complaint in this action. *See* ECF No. 1. Five
11 of the nine Defendants are considered either “[a] foreign state or its political subdivision,
12 agency, or instrumentality” under Fed. R. Civ. P. 4(j)(1). These Foreign State Defendants are
13 the Republic of Kazakhstan, the Agency for Regulation and Development of the Financial
14 Market of the Republic of Kazakhstan (“ARDFM”), the Anti-Corruption Agency of the
15 Republic of Kazakhstan (“AARK”), the Financial Monitoring Agency of the Republic of
16 Kazakhstan (“FMA”), and the Committee for National Security of Kazakhstan (“KNB”). *See*
17 ECF No. 1, ¶¶ 13–17.

18 On February 21, 2023, Plaintiffs submitted to the Court proposed summonses to be issued
19 to all Defendants using the standard form AO 440. *See* ECF No. 4. The next day, the Clerk of
20 Court issued the summonses. *See* ECF No. 5. Thereafter, Plaintiffs discovered the potential
21 confusion for the Foreign State Defendants if the summonses issued by the Clerk of Court listed
22 a deadline of 21 days to respond to service of summons and complaint, despite
23 28 U.S.C. § 1608(d), which provides a period of 60 days. Upon further research, Plaintiffs
24 discovered that some federal district courts, such as the Southern District of New York and the
25 District of Columbia, have standard summons forms to comply with 28 U.S.C. § 1608. *See*
26 **Exhibit A.** Accordingly, Plaintiffs file the instant Motion to Reissue Summonses to cure any
27 potential defects with service on the Foreign State Defendants and have proposed summonses
28 for the Foreign State Defendants. *See Exhibit B.*

III. LEGAL ARGUMENT

Federal Rule of Civil Procedure 4(j)(1) requires that service upon “[a] foreign state or its political subdivision, agency, or instrumentality must” be done in accordance with 28 U.S.C. § 1608. Rather than the standard 21 days provided for in a summons in a civil action, 28 U.S.C. § 1608 requires that a foreign state and its political subdivisions, agencies, and instrumentalities receive 60 days to serve an answer or other responsive pleading to the complaint. *See* 28 U.S.C. § 1608(d).

Here, Plaintiffs request that the Court direct the Clerk of Court to reissue summonses as to the Foreign State Defendants to comply with the requirements of 28 U.S.C. § 1608(d). In furtherance of this request, Plaintiffs attach **Exhibit A**, which includes two examples of forms from other federal district courts specifically tailored for 28 U.S.C. § 1608 and **Exhibit B**, which comprises the proposed revised summonses for the District of Nevada and addressed to each of the Foreign State Defendants.

IV. CONCLUSION

Plaintiffs respectfully request that the Court direct the Clerk of Court to reissue summonses as to the Foreign State Defendants, as proposed in Exhibit B.

DATED this 24th day of February 2023.

HOLLAND & HART LLP

/s/ *J. Stephen Peek*

J. Stephen Peek
Erica C. Medley
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

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787 Seventh Avenue
New York, New York 10019

Michael J. Gottlieb (*pro hac vice*)
WILLKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, DC 20006

IT IS SO ORDERED.

Cam Ferenbach
United States Magistrate Judge

February 28, 2023

Attorneys for Plaintiffs

INDEX OF EXHIBITS

Exhibit	Description	Page No.
A	Examples of Summons Under 28 U.S.C. § 1608	1 - 5
B	Proposed Summons to Be Reissued	6 - 11

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, 2ND FLOOR
LAS VEGAS, NV 89134

EXHIBIT A

Examples of Summons Under
28 U.S.C. § 1608

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Plaintiff)
)
)
)
v.) Civil Action No.
)
)
)

Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Southern District of New York

Plaintiff)
)
)
)
v.) Civil Action No.
)
)

Defendant)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

+

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____ Signature of Clerk or Deputy Clerk

28 USC 1608 Summons (12/11) (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

✓ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

✓ I left the summons at the individual's residence or usual place of abode with *(name)* _____,
a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

✓ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

✓ I returned the summons unexecuted because _____; or

✓ Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

EXHIBIT B

Proposed Summons to Be Reissued for
Foreign State Defendants

EXHIBIT B

UNITED STATES DISTRICT COURT
for the
District of Nevada

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)
)
Jysan Holding, LLC; Jusan Technologies LTD)

Plaintiff(s))
v.) Civil Action No. 2:23-CV-00247-JAD-VCF
)
)
)
Republic of Kazakhstan et al.)

Defendant(s))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Republic of Kazakhstan
c/o Mukhtar Tileuberdi, Minister of Foreign Affairs
Ministry of Foreign Affairs of the Republic of Kazakhstan
31, D. Kunaev Street
Astana, 010000
Republic of Kazakhstan

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Stephen Peek	Tariq Mundiya	Michael J. Gottlieb
Erica C. Medley	Jeffrey B. Korn	Willkie Farr & Gallagher LLP
Holland & Hart LLP	Willkie Farr & Gallagher LLP	1875 K Street, NW
9555 Hillwood Dr., 2nd Fl.	787 Seventh Ave.	Washington, DC 20006
Las Vegas, NV 89134	New York, NY 10019	

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
for the
District of Nevada

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)
)
Jysan Holding, LLC; Jusan Technologies LTD)

Plaintiff(s))
v.) Civil Action No. 2:23-CV-00247-JAD-VCF
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)
Republic of Kazakhstan et al.)

Defendant(s))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Agency for Regulation and Development of the Financial Market of the Republic of Kazakhstan
21, Koktem-3
Almaty, 050040
Republic of Kazakhstan

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Stephen Peek	Tariq Mundiya	Michael J. Gottlieb
Erica C. Medley	Jeffrey B. Korn	Willkie Farr & Gallagher LLP
Holland & Hart LLP	Willkie Farr & Gallagher LLP	1875 K Street, NW
9555 Hillwood Dr., 2nd Fl.	787 Seventh Ave.	Washington, DC 20006
Las Vegas, NV 89134	New York, NY 10019	

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
for the
District of Nevada

Jysan Holding, LLC; Jusan Technologies LTD)

Plaintiff(s))
v.) Civil Action No. 2:23-CV-00247-JAD-VCF

Republic of Kazakhstan et al.)

Defendant(s))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Anti-Corruption Agency of the Republic of Kazakhstan
37, Seifullin Street
Astana, 010000
Republic of Kazakhstan

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Stephen Peek	Tariq Mundiya	Michael J. Gottlieb
Erica C. Medley	Jeffrey B. Korn	Willkie Farr & Gallagher LLP
Holland & Hart LLP	Willkie Farr & Gallagher LLP	1875 K Street, NW
9555 Hillwood Dr., 2nd Fl.	787 Seventh Ave.	Washington, DC 20006
Las Vegas, NV 89134	New York, NY 10019	

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
for the
District of Nevada

Jysan Holding, LLC; Jusan Technologies LTD)

Plaintiff(s))
v.) Civil Action No. 2:23-CV-00247-JAD-VCF

Republic of Kazakhstan et al.)

Defendant(s))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Financial Monitoring Agency of the Republic of Kazakhstan
10, Beibitshilik Street
Astana, 010000
Republic of Kazakhstan

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Stephen Peek	Tariq Mundiya	Michael J. Gottlieb
Erica C. Medley	Jeffrey B. Korn	Willkie Farr & Gallagher LLP
Holland & Hart LLP	Willkie Farr & Gallagher LLP	1875 K Street, NW
9555 Hillwood Dr., 2nd Fl.	787 Seventh Ave.	Washington, DC 20006
Las Vegas, NV 89134	New York, NY 10019	

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
for the
District of Nevada

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Jysan Holding, LLC; Jusan Technologies LTD _____)

Plaintiff(s) _____)
v. _____) Civil Action No. 2:23-CV-00247-JAD-VCF

Republic of Kazakhstan et al. _____)

Defendant(s) _____)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Committee for National Security of Kazakhstan
66, Syganak Street
Astana, 010000
Republic of Kazakhstan

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Stephen Peek	Tariq Mundiya	Michael J. Gottlieb
Erica C. Medley	Jeffrey B. Korn	Willkie Farr & Gallagher LLP
Holland & Hart LLP	Willkie Farr & Gallagher LLP	1875 K Street, NW
9555 Hillwood Dr., 2nd Fl.	787 Seventh Ave.	Washington, DC 20006
Las Vegas, NV 89134	New York, NY 10019	

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk